

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 19 2006

ROBERT LANDRUM,

Plaintiff - Appellant,

v.

STATE OF WASHINGTON; et al.,

Defendants - Appellees.

No. 03-35675

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CV-02-05009-LRS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, Magistrate Judge, Presiding^{**}

Submitted April 13, 2006^{***}

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Robert Landrum, a Washington state prisoner, appeals pro se from the district court's summary judgment dismissing his 42 U.S.C. § 1983 action alleging

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} All parties consented in writing to appear before a magistrate judge.

^{***} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that his Eighth Amendment rights were violated when he was subjected to excessive force at the Spokane County Jail. We have jurisdiction pursuant to 28 U.S.C. § 1291. After de novo review, *Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001), we affirm.

The district court properly granted summary judgment on Landrum's Eighth Amendment claim because Landrum failed to raise a genuine issue of material fact as to whether defendants applied force "maliciously and sadistically for the very purpose of causing harm," rather than in a good-faith effort to restore discipline after Landrum refused to comply with orders to submit to standard handcuffing procedure. *See Clement v. Gomez*, 298 F.3d 898, 903-04 (9th Cir. 2002); *see also Jeffers v. Gomez*, 267 F.3d 895, 907 (9th Cir. 2001) (per curiam) (to survive summary judgment, plaintiff must put forward specific, nonconclusory factual allegations that establish defendants acted with improper motive).

Landrum's remaining contentions lack merit.

AFFIRMED.